

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CHAMEL NICOLE ANDERSON,
#1811941,**

Petitioner,

v.

**FELICIA PITRE and GARY
FITZSIMMONS,**

Respondents.

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Civil Action No. **3:15-CV-3954-L**

ORDER

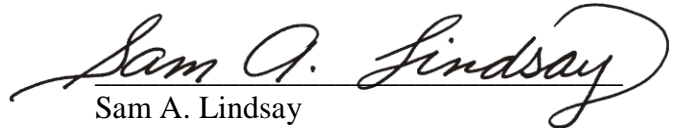
Before the court is Petitioner Chanel Nicole Anderson's ("Petitioner") *pro se* petition for writ of mandamus, filed December 10, 2015. The case was referred to Magistrate Judge Renee Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on December 15, 2015, recommending that the petition be summarily dismissed with prejudice as frivolous. No objections to the Report were filed.

Having reviewed the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court **dismisses** the petition for writ of mandamus **with prejudice** as frivolous.

The court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court accepts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215,

220 (5th Cir. 1983).^{*} In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 18th day of March, 2016.


Sam A. Lindsay
United States District Judge

^{*} Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.